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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

12 TAMECIA BROWN,
13 Plaintiff

VS.

16 ALBERTSON'S, LLC, a foreign limited liability
17 company; DOES I through X; and ROE ENTITIES
I through X,

18 Defendants.

Case No. 2:16-CV-01991-JAD-PAL

STIPULATION AND ORDER
REGARDING FRCP 35
MEDICAL EXAMINATION OF
PLAINTIFF BY
DR. SELZNICK

**Date of Exam: March 01, 2018
Time of Exam: 12:00 P.M.
Location: 2500 W. Sahara Ave.,
Suite 207, Las Vegas, Nevada
89102.**

23 **IT IS HEREBY STIPULATED AND AGREED** between Plaintiff, Tamecia Brown by
24 and through her counsel of record, EGLET PRINCE, and Defendant ALBERTSONS, LLC., by
25 and through its counsel of record, Justin W. Smerber, Esq., of MORAN BRANDON
26 BENDAVID MORAN, that the following parameters concerning the Plaintiff's Rule 35
27 Examination with Hugh S. Selznick, M.D. shall be imposed:



- 1 1. No other persons shall be present during the examination other than the Plaintiff, the
2 designated physician and members of his staff.
- 3 2. The examination shall be limited exclusively to the area of the examining physician's
4 expertise, orthopedic surgery. The physician's examination shall only cover those
5 parts of Plaintiff's body that fall directly within the scope of the examining physician's
6 expertise, orthopedic surgery and that are in controversy, specifically Plaintiff's
7 cervical spine and right shoulder, and knees as documented by Plaintiff's treating
8 physicians and medical experts.
- 9 3. The examination shall last no longer than two (2) hours.
- 10 4. The examination shall start no later than 12:30 p.m. In the event that the FRCP Rule
11 35 medical examination does not start at 12:30 p.m., Plaintiff may leave.
- 12 5. The examining physician will not conduct any diagnostic tests, procedures that are
13 painful, protracted or intrusive, or unreasonably invasive, nor conduct any diagnostic
14 imaging. Plaintiff will not bring any diagnostic imaging to the examination.
- 15 6. Medical Billing, Medical Records, and Diagnostic Films have been produced during
16 litigation. Defendants will be responsible for providing them to the chosen examining
17 physician.
- 18 7. Defendants shall produce a report prepared by the examining physician to Plaintiff's
19 counsel by April 2, 2018 (rebuttal expert deadline as proposed by the parties).
- 20 8. Plaintiff shall not answer any questions, which pertain to issues of liability. Dr.
21 Selznick may ask Plaintiff questions regarding how her body moved when she began
22 to fall.
- 23 9. Plaintiff shall not fill out any paperwork at the examination.
- 24 10. The examining physician must be provided with a copy of this Stipulation and Order
25 prior to the examination.
- 26 11. Plaintiff shall not pay or incur any fee and shall use her best efforts to appear at the
27 office of the examining physician at the scheduled date and time of the examination.
28 In the event that Plaintiff fails to appear, and Defendant is charged with a cancellation
 fee, Defendant may seek to recover those fees from Plaintiff.

1 12. The parties agree and stipulate that the exam is being conducted pursuant to FRCP 35
2 and the parties and examiner agree to comply with the provisions of FRCP 35.

3 IT IS SO STIPULATED.

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6 Dated this 27 day of February, 2018.

7 Dated this 27 day of February, 2018.

8 **EGLET PRINCE**

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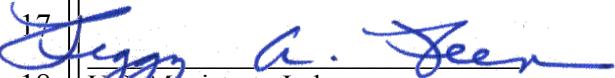
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1 **MORAN BRANDON BENDAVID MORAN**

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Attorney for Defendants

IT IS SO ORDERED.


U.S. Magistrate Judge

Dated: March 1, 2018